

AMENDED IN ASSEMBLY MAY 28, 2010

AMENDED IN ASSEMBLY APRIL 12, 2010

AMENDED IN ASSEMBLY MARCH 25, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 2079**

---

---

**Introduced by Assembly Members Torlakson and Davis**

February 18, 2010

---

---

An act to add Section 67365 to the Education Code, relating to student athletes.

### LEGISLATIVE COUNSEL’S DIGEST

AB 2079, as amended, Torlakson. Student athletes: recruiting.

Existing law prohibits any person from giving, offering, promising, or attempting to give any money or any other thing of value to any particular student athlete or member of the immediate family of the student athlete for purposes of inducing or encouraging the student athlete’s application, enrollment, or attendance at a public or private institution of postsecondary education in order to have the athlete participate in intercollegiate sporting events, contests, exhibitions, or programs at that institution, except in accordance with the bylaws of the National Collegiate Athletic Association, as specified.

This bill would define, for purposes of its provisions, a “student athlete” as an individual who resides in California and who attends an elementary, junior high, high school, or postsecondary educational institution, and who participates in any interscholastic athletic program in California, including an individual who receives scholarship funds for his or her athletic participation and an individual who does not receive scholarship funds for his or her athletic participation. The bill,

commencing ~~January~~ July 1, 2011, would require any intercollegiate athletic program from a postsecondary educational institution in the State of California or outside the State of California, within one week of ~~personal~~ *in-person* contact with a student athlete *or his or her family members*, to provide in writing to the student athlete a disclosure letter or, in the case of a student athlete who has not yet entered grade 11, to direct the student athlete to a disclosure letter that is posted on the institution's Internet Web site, that describes, among other things, the athletic program's policies concerning athletic scholarship issuance, renewal, and cancellation, medical expenses, and academic requirements. The bill would require the athletic program to post this disclosure letter on its Internet Web site. The bill would require, *commencing July 1, 2011*, that any written scholarship offer be made within one week of a verbal offer, and would require that this written offer be accompanied by specified information relating to the terms and conditions of the offer.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 67365 is added to the Education Code,  
2 to read:  
3 67365. (a) For purposes of this section, the following  
4 definitions shall apply:  
5 (1) "Athletic program" means any intercollegiate athletic  
6 program from a postsecondary educational institution in the State  
7 of California or outside the State of California that solicits student  
8 athletes to apply, enroll, or attend the postsecondary educational  
9 institution in order to have the student athlete participate in  
10 intercollegiate sporting events, contests, exhibitions, or programs  
11 at that institution.  
12 (2) "Student athlete" means an individual who resides in  
13 California and who attends an elementary, junior high, high school,  
14 or postsecondary educational institution, and who participates in  
15 any interscholastic athletic program in California, including an  
16 individual who receives scholarship funds for his or her athletic  
17 participation and an individual who does not receive scholarship  
18 funds for his or her athletic participation.

1 (3) “Personal contact” means ~~any direct~~ *in-person*,  
2 individualized contact made by a collegiate athletic recruiter for  
3 purposes of athletic recruiting with a student athlete or his or her  
4 ~~family members, including, but not limited to, telephone calls,~~  
5 ~~personalized mail, in-person contact, or e-mail.~~ *members.*

6 (b) (1) Commencing ~~January~~ *July* 1, 2011, within one week of  
7 any personal contact with a student athlete for purposes of  
8 recruiting the student athlete for a collegiate interscholastic athletic  
9 program, the collegiate athletic recruiter shall provide in writing  
10 to the student athlete a disclosure letter or, in the case of a student  
11 athlete who has not yet entered grade 11, shall direct the student  
12 athlete to a disclosure letter that is posted on the institution’s  
13 Internet Web site. The disclosure letter shall be in substantially  
14 the following form:

15  
16 Disclosure Letter  
17

18 I. Athletic Scholarship Information (shall not exceed 250 words)

19 (A) The most recent cost of attendance expenses as published  
20 by the postsecondary educational institution’s financial aid offices  
21 for the academic year and for the summer year (amounts listed  
22 separately).

23 (B) The sum of expenses identified in paragraph (A) that are  
24 prohibited from inclusion in a full grant-in-aid athletic scholarship  
25 pursuant to the National Collegiate Athletic Association’s (NCAA)  
26 rules and regulations.

27 (C) The policy of the postsecondary educational institution’s  
28 athletic program as to whether student athletes will receive athletic  
29 scholarships for summer school, and, if so, whether these  
30 scholarships are proportional to athletic scholarships received  
31 during the regular academic school year.

32 (D) The average monthly full grant-in-aid athletic scholarship  
33 payment received by student athletes who live on-campus and  
34 off-campus, respectively, during the regular academic year and  
35 summer school session.

36  
37 II. Athletic Scholarship Renewals (shall not exceed 250 words)

38 (A) The NCAA’s policy on scholarship duration.

39 (B) The policy of the postsecondary educational institution’s  
40 athletic program concerning the renewal or nonrenewal of an

1 athletic scholarship, including circumstances in which a student  
2 athlete in good standing suffers a temporary or permanent  
3 sports-related injury, there is a coaching change, or a student  
4 athlete's athletic performance is deemed to be below expectations.

5  
6 III. Athletically Related Medical Expenses (shall not exceed 500  
7 words)

8 (A) The NCAA's policy on whether athletic programs are  
9 mandated to pay for athletically related medical expenses.

10 (B) The policy of the postsecondary educational institution's  
11 athletic program on whether it will pay for student athletes'  
12 athletically related medical expenses, including deductibles,  
13 copays, coinsurance, and whether the program will pay for  
14 athletically related medical expenses that exceed any maximum  
15 insurance coverage limits.

16 (C) The policy of the institution's athletic program concerning  
17 who is required to pay for any required athletically related  
18 insurance premiums for student athletes who do not have such  
19 insurance.

20 (D) The duration of time the postsecondary educational  
21 institution's athletic program continues to pay for athletically  
22 related medical expenses after a student athlete's athletic eligibility  
23 expires.

24 (E) Whether or not an athletic program's medical policy covers  
25 expenses associated with attaining a second medical opinion for  
26 an athletically related injury from a medical physician that is not  
27 associated with the athletic program, and whether the athletic  
28 program provides coverage for services received by such a  
29 physician.

30  
31 IV. Athletic Release (shall not exceed 250 words)

32 (A) The NCAA policy on whether an athletic program may  
33 refuse to grant an athletic release to a student athlete who wishes  
34 to transfer to another postsecondary educational institution.

35 (B) The policy of the postsecondary educational institution's  
36 athletic program concerning whether it may use any power to  
37 refuse to grant an athletic release for a student athlete who wishes  
38 to transfer to another postsecondary educational institution.

39 (2) Commencing ~~January~~ July 1, 2011, each interscholastic  
40 athletic program that recruits any student athlete shall prominently

1 post the disclosure letter described in paragraph (1) on its official  
2 athletic Internet Web site.

3 (3) Changes to any athletic program policy included in a  
4 Disclosure Letter shall be sent in writing to all student athletes, as  
5 well as any athletes currently enrolled in the institution who were  
6 recruited from the State of California.

7 (c) Commencing ~~January~~ *July* 1, 2011, any scholarship offer  
8 made to a student athlete shall be made in writing within one week  
9 of a verbal offer. If the written offer is sent more than one year in  
10 advance of the earliest date a student athlete is authorized, pursuant  
11 to the rules and regulations of the NCAA, to sign an agreement  
12 with an institution's athletic program, the athletic program shall  
13 send a subsequent letter stating whether or not the offer is still  
14 valid no later than five months prior to the earliest signing period.  
15 The initial written offer and, if applicable, subsequent letter shall  
16 include at least all of the following information:

17 (1) The disclosure letter described in subdivision (b).

18 (2) Whether or not the athletic scholarship offer will expire and  
19 all terms of any such expiration.

20 (3) Whether or not the athletic program will guarantee that the  
21 student athlete's acceptance of the offer prior to any expiration  
22 will be honored.

23 (4) A description of the institution's policy for awarding  
24 financial aid for summer school.

25 (5) Whether or not the student athlete will be guaranteed  
26 admission and full athletic participation at an institution if a specific  
27 academic level is achieved during the remainder of the student  
28 athlete's high school career, and a description of any such academic  
29 level.

30 (6) The terms and the amount of any death benefit provided by  
31 the postsecondary educational institution in case of a sports-related  
32 death.

33 (d) Nothing in this section shall be construed to require a  
34 postsecondary educational institution to revise athletic scholarship  
35 contracts entered into prior to the effective date of this bill.